

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF MICHIGAN**

CITIZENS INSURANCE COMPANY  
OF THE MIDWEST,

Plaintiff,

v.

Case No. 2:22-cv-10930-DPH-DRG

Hon. Denise Page Hood

Magistrate Judge David R. Grand

EXCELLERATED TOWING &  
RECOVERY, L.L.C.,

Defendant.

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Robert Hugh Ellis (P72320)  
Mark J. Makoski (P81243)  
**DYKEMA GOSSETT PLLC**  
*Attorneys for Plaintiff*  
39577 Woodward Avenue, Suite 300  
Bloomfield Hills, MI 48304  
(248) 203-0718  
[rellis@dykema.com](mailto:rellis@dykema.com)  
[mmakoski@dykema.com](mailto:mmakoski@dykema.com)

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**DECLARATION OF MARK S. WHARTON**

Pursuant to 28 U.S.C. § 1746, the undersigned, Mark S. Wharton, declares:

1. I, Mark Wharton, make this Declaration based upon my own personal knowledge and/or based upon my personal knowledge and review of certain Citizens Insurance Company of the Midwest (“Citizens”) business records.
2. I am competent to testify regarding these facts if called upon to do so.
3. I am over 18 years of age.

4. Citizens is a subsidiary of The Hanover Insurance Company (“Hanover”), where I am employed as a Unit Manager in the Appraisal Unit of the Claim Department.

5. Citizens is an insurer that writes, among other things, automobile insurance. My job duties within the Claim Department include claims under automobile policies written by Citizens.

6. On June 26, 2021, Excellerated Towing & Recovery, L.L.C. (“Excellerated”), towed a 2021 Cadillac XT6 that was insured by Citizens. Citizens paid \$8,789.00 to Excellerated in order to obtain possession of the vehicle.

7. On June 30, 2021, Excellerated towed a 2021 Chevrolet Equinox that was insured by Citizens. Citizens paid \$6,590.00 to Excellerated in order to obtain possession of the vehicle

8. On July 26, 2021, Excellerated towed a 2010 Ford Fusion insured by Citizens. Citizens paid \$6,390.00 to Excellerated in order to obtain possession of the vehicle

9. On January 9, 2022, Excellerated towed a 2015 Ford Fusion insured by Citizens. Citizens paid \$8,626.00 to Excellerated in order to obtain possession of the vehicle

10. In order to obtain possession of the above vehicles, Citizens paid a total of \$30,396.00 to Excellerated.

11. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 2/23/2023  
Date

Mark S. Wharton  
Mark S. Wharton